

EXHIBIT A

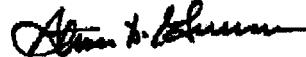
EXHIBIT A

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21 EIGHTH JUDICIAL DISTRICT COURT

22 CLARK COUNTY, NEVADA

23 JASON LAMBERTH, as father in his
24 individual capacity and estate representative of
25 HAILEE JOY LAMBERTH; JENNIFER
26 LAMBERTH, as mother in her individual
27 capacity and estate representative of HAILEE
28 JOY LAMBERTH; and JACOB
LAMBERTH, brother of HAILEE JOY
LAMBERTH.

Case No.: A-14-708849-C

COMPLAINT FOR DECLARATORY
RELIEF, INJUNCTIVE RELIEF, AND
DAMAGES

JURY TRIAL DEMANDED
EXEMPT FROM ARBITRATION

Dept. XXVI

21 vs.

22 CLARK COUNTY SCHOOL DISTRICT
23 (CCSD); Pat Skorkowsky, in his official
24 capacity as CCSD superintendent; CCSD
25 BOARD OF SCHOOL TRUSTEES; Erin A.
26 Cranor, Linda E. Young, Patrice Tew, Stavan
27 Corbett, Carolyn Edwards, Chris Garvey,
28 Deanna Wright, in their official capacities as

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1 CCSD BOARD OF SCHOOL TRUSTEES;
2 THURMAN WHITE MIDDLE SCHOOL
3 (TWMS); Principal Andrea Katona, in her
4 individual and official capacity as principal of
5 TWMS; Dean Ron Kamman, in his individual
6 and official capacity as Dean at TWMS; Dean
7 April Barr, in her individual and official
8 capacity as Dean at TWMS; Sabreena Adams,
9 in her individual and official capacity as
counselor at TWMS; Mrs. Kim Jefferson, in
her individual and official capacity as
instructor at TWMS; Andre Long, in his
individual and official capacity as Academic
Manager of CCSD.

10 Defendants.

11

12 Come now Plaintiffs, by and through the undersigned attorneys, and file this Complaint
13 for declaratory and injunctive relief ordering Defendants CCSD, Superintendent Skorkowski,
14 CCSD Board of School Trustees, Trustee Cranor, Trustee Young, Trustee Tew, Trustee Corbett,
15 Trustee Edwards, Trustee Garvey, Trustee Wright, Thurman White Middle School, Principal
16 Katona, Dean Ron Kamman, Dean Barr, Counselor Adams, and Instructor Jefferson (hereinafter
17 "CCSD Defendants") to adopt, implement, and ensure compliance with statutory mandates, and
18 adopt policies and practices that ensure the safety of students faced with harassment and
19 bullying. These policies and practices include compliance with parental notification
20 requirements, development of a safety plan, appropriate and timely investigations, timely and
21 effective notice, independent monitoring of school officials, instituting an appeals process for
22 parents and students who feel a school's actions to do not ensure a safe and respectful learning
23 environment, and instituting disciplinary action against school officials who do not comply.

24 Plaintiffs also seek damages for harm suffered as a result of CCSD Defendants' failure to
25 maintain and follow a policy that protects children from harassment and bullying. Plaintiffs
26 maintain claims for violation of Plaintiffs' rights and the rights of their late daughter Hailee Joy

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1 Lamberth, under state and federal laws. Plaintiffs also seek damages for the wrongful and
 2 defamatory statements made by Defendants.

3 **STATEMENT OF THE CASE**

4 1. As alleged in greater particularity below, Plaintiffs assert that CCSD failed to ensure a safe
 5 and respectful learning environment, free from bullying, harassment, and violence, for Hailee
 6 Lamberth, a 13-year-old student attending Thurman White Middle School. Despite a clear
 7 statutory obligation to provide notice of reported bullying pursuant to N.R.S. § 388.1351(2),
 8 TMWS officials failed to notify Jason and Jennifer Lamberth of a bullying complaint entered
 9 into CCSD's bullying website on November 20, 2013. This failure deprived Jason and Jennifer
 10 of the opportunity to intervene or access guidance and counseling services for their daughter.

11 2. As a result of ongoing and severe acts of bullying, Hailee took her own life on December
 12, 2013.

13 3. CCSD Defendants failed to acknowledge, provide notification of, address and/or
 14 investigate the persistent bullying, physical assaults, and harassment faced by Hailee.

15 **JURISDICTIONAL STATEMENT**

16 4. This action arises under the N.R.S., the Nevada State Constitution, the U.S. Constitution,
 17 and 42 U.S.C. § 1983. Nevada District Courts have general jurisdiction in civil matters. N.R.S.
 18 Const. Art 6, § 6.

19 **PARTIES**

20 5. Plaintiffs Jason and Jennifer Lamberth are the parents of Hailee Joy Lamberth, a former
 21 student at Thurman White Middle School (TWMS). Plaintiff Jacob Lamberth is the brother of
 22 Hailee Joy Lamberth. Jacob was six years old when Hailee took her life on December 12, 2013,
 23 after enduring severe and pervasive acts of bullying at TWMS.

24 6. Plaintiffs Jason, Jennifer, and Jacob Lamberth institute this action, pursuant to the
 25 authority of N.R.S. § 41.085.

26 7. Plaintiff Jason Lamberth and Jennifer Lamberth, as the parents of Hailee Joy Lamberth,
 27 are the representatives of the Estate of Hailee Joy Lamberth.

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8. Defendant CCSD is the district that encompasses all public schools in Las Vegas, Nevada and surrounding areas, including Thurman White Middle School.

9. Defendant Pat Skorkowsky is the current superintendent of CCSD and is responsible for overseeing school district staff.

10. Defendant CCSD Board of School Trustees is the organization that oversees all schools of CCSD.

11. Defendants Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright are currently members of CCSD Board of School Trustees, and responsible for overseeing CCSD schools.

12. Defendant Andrea Katona is the principal at TWMS, and is responsible for overseeing the staff and students at the school.

13. Defendant Ron Kamman is a Dean at TWMS, and is responsible for overseeing students and disciplinary matters at the school.

14. Defendant Barr is a Dean at TWMS, and is responsible for overseeing students and disciplinary matters at the school.

15. Defendant Sabreena Adams is the guidance counselor at TWMS, and is responsible for overseeing students and ensuring their safety and success at the school. As the counselor assigned to 7th grade A-L students, Defendant Adams was the counselor assigned to Hailee Lamberth.

16. Defendant Mrs. Kim Jefferson is an instructor of P.E. at TWMS, and is responsible for overseeing students in her class and ensuring a positive and safe learning environment. She oversaw the P.E. class in which Hailee Lamberth was enrolled.

17. Defendant Andre Long is the Academic Manager for the area of CCSD that incorporates TWMS. He is responsible for overseeing activities at the school and others within his area boundary.

STATUTE OF LIMITATIONS

18. This complaint concerns events taking place between August of 2013 and continuing through April of 2014, and therefore is timely filed, on this 21st day of October of 2014.

FACTUAL BACKGROUND**Hailee's Story**

19. On or about August 26, 2013, Hailee Joy Lamberth began the seventh grade at Thurman White Middle School, like many other 12 year olds, with a rich and full life.

20. Hailee enjoyed academics, earning straight As and honor roll awards. She had many friends and a close and supportive family. Artistic by nature, Hailee delighted in painting, drawing, and making crafts. She preferred hand making birthday cards instead of buying them.

21. Hailee played starting goalie on her soccer team, The Quails, and she helped them win multiple Henderson United Youth Soccer league championships. She was widely regarded as the best goalie in her age division. Hailee also loved to go camping, hiking, and fishing.

22. Recently diagnosed with epilepsy, Hailee would endure petit mal and grand mal seizures at times, with grace and determination.

23. Hailee cared about other students and their treatment by TWMS peers. In October of 2013, Hailee witnessed a school bully push another student's books to the floor as they passed in the hallway. Hailee stopped and helped the bullied student, earning a kindness award for her empathy and her desire to assist.

24. Hailee's willingness to intervene, however, tragically, was not mirrored by the school district officials charged with ensuring that TWMS provide a "safe and respectful" learning environment.

25. Upon information and belief, commencing in August 2013 and proceeding until Hailee's suicide on December 12, 2013, severe and abusive acts of bullying confronted Hailee on both discrete occasions and a pervasive basis at TWMS.

26. A voice mail recorded on Hailee's phone on September 27, 2013 mocked Hailee's seizures, and appeared to state "Where are you Hailee? I hope you died."

27. On information and belief, a fellow student, C.S., made the following statements to TWMS: "I have actually seen C.H. bully Hailee. I don't remember the exact date when it happened but I know it happened at lunch around Thanksgiving time, he was pushing her around

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1 and he called her 'fat' and 'ugly.'" C.S. continued, "I went up to him and said stop but from that
2 day he actually started to bully me." C.S. Statement to TWMS, Dated March 2014.

3 28. Upon information and belief, TWMS previously suspended C.H. for three days on two
4 occasions for the bullying of other students.

5 29. Upon information and belief, Hailee and her peers witnessed acts of bullying by C.H.
6 towards students on a regular basis. Such acts included threats to "kill you."

7 30. Upon information and belief, C.H. also left letters in Hailee's locker, instructing her to
8 "Drink Bleach and Die," and posing the question "Why don't you die?"

9 31. Hailee endured bullying in her P.E. class as well. Upon information and belief, on or
10 about November 2013, TMWS student C.G. reported the following: "Hailee Lambirth was
11 bullied by [J.J.] The bullying took place in Mrs. Jefferson's fourth period P.E. class. During the
12 P.E. activities, [J.J.] would call Hailee a fat ass, stupid bitch, and a slut. The bullying had been
13 going on for a long time now (about two months). Almost everyday...No one was doing
14 anything about the bullying, so I, [C.G.] stood up for my best friend and reported the bullying on
15 the website link." C.G. statements to TWMS, Dated March 17, 2014.

16 32. In an interview associated with the statement, C.G. reiterated, "Hailee was being bullied
17 for quite a long time, social and verbal bullying and that she didn't want fingers being pointed."
18 A listed witness to the long term bullying in the P.E. class specifically included P.E. teacher,
19 Mrs. Jefferson. C.G. statements to TWMS, Dated March 17, 2014.

20 33. Despite Nevada statutory mandates and a CCSD Policy requiring any employee who
21 "witnesses, overhears, or receives a report, formal or informal, written or oral, of bullying,
22 cyberbullying, harassment, and/or intimidation at school..." to report it to a principal or
23 principal's designee – Mrs. Jefferson made no such report. N.R.S. § 388.1351(1).

24 34. On November 20, 2013, C.G. reported Hailee's bullying on the CCSD website.
25 According to CCSD's redacted version, the report provided: "[Redacted name] has called
26 Hailee a "fatass" (which she is not), an "ugly bitch" and has called her stupid (also something
27 she is not). This has been going on for a very long time now. [Redacted name] has made Hailee

1 cry almost everyday, as these mean comments are said about her." CCSD Letter to Jason
2 Lamberth of March 25, 2014.

3 35. According to an email from Principal Katona to Jason Lamberth, dated March 14, 2014,
4 "after an entry is made to the anonymous online bullying website, an automated email is
5 generated from the website and sent to the school administration notifying them that a
6 submission was made."

7 36. TWMS Progressive Discipline Plan identifies on page 5 #2 that written statements from
8 multiple witnesses will be taken. Even though Hailee was subjected to bullying at PE and in
9 the locker room, no attempt to interview pupils with lockers in the vicinity was made or of other
10 students in the class.

11 37. The online entry and notification triggered the mandates of N.R.S. § 388.1351, which
12 governs the statutory duties of school staff possessing information related to peer on peer
13 bullying under N.R.S. § 388.135. Section 1 states: "A teacher or other staff member who
14 witnesses a violation of N.R.S. § 388.135 or receives information that a violation of N.R.S. §
15 388.135 has occurred shall verbally report the violation to the principal or his or her designee on
16 the day on which the teacher or other staff member witnessed the violation or received
17 information regarding the occurrence of the violation." Thus, whoever in the administration
18 received the online report of bullying was required to report the violation to the principal.

19 38. The law required the principal to provide written notice of a reported violation of N.R.S.
20 § 388.135 to the parent of each involved pupil. N.R.S. § 388.1351(2) mandates that: "The
21 principal or his or her designee shall initiate an investigation not later than 1 day after receiving
22 notice of the violation pursuant to subsection 1. The principal or the designee shall provide
23 written notice of a reported violation of NRS 388.135 to the parent or legal guardian of
24 each pupil involved in the reported violation." (Emphasis added). The law further demands
25 that the "notice must include, without limitation, a statement that the principal or the
26 designee will be conducting an investigation into the reported violation and that the parent
27
28

1 or legal guardian may discuss with the principal or the designee any counseling or
 2 intervention services that are available to the pupil.”¹ (Emphasis added)

3 39. Despite this statutory prescription, no CCSD principal, official or staff member provided
 4 parental notification of the bullying report to Jason or Jennifer. Hailee’s family received no
 5 information regarding the humiliation and suffering she was enduring. Nor did the family have
 6 the opportunity to access any counseling or intervention services for Hailee.

7 40. Just three weeks later, on December 12, 2013, Hailee took her life. Her suicide note
 8 illustrates the dangers of a school district ignoring documented acts of bullying and failing to live
 9 up to their statutory responsibilities. “I only ask that you tell my school I killed myself so maybe
 10 next time people like [C.H.] wants to call someone pimple face or emo ass bitch, he won’t.” The
 11 Lamberths were given this note by Metro police investigators two weeks after Jason Lamberth
 12 and his six year old son, Jacob Lamberth, discovered Hailee’s lifeless body in their den.

13 **CCSD and Circling the Wagons: Denial, Dereliction & Defamation**

14 41. Following Hailee’s suicide, Jason, Jennifer and Jacob grieved. They endured sleepless
 15 nights, breathtaking trauma, and profound loss. They sought solace in Hailee’s pictures, comfort
 16 from her friends, and explanations from her school.

17 42. On February 6, 2014, Jason and Jennifer Lamberth met with Principal Katona and
 18 Andre Long to better understand the events leading up to his daughter’s death. The Principal and
 19 Long made no mention of the Nov. 20, 2013 bullying report. Principal Katona stated that she
 20 never had any reason to believe that Hailee had ever been bullied, and therefore never had any
 21 reason to conduct an investigation. Principal Katona also admitted that she had not conducted an
 22 investigation after Hailee’s death. Despite her statements to Jennifer and Jason Lamberth, on
 23 information and belief, Defendant Katona never told the police about the online bullying report
 24 during the police investigation following Hailee’s death.

25
 26 ¹ The statute requires a timely investigation. “The investigation must be completed within 10
 27 days after the date on which the investigation is initiated and, if a violation is found to have
 28 occurred, include recommendations concerning the imposition of disciplinary action or other
 measures to be imposed as a result of the violation.” N.R.S. § 388.1351(2).

1 43. On February 27, 2014, Jason spoke with the CCSD Board of Trustees to discuss his
2 concerns about the safety of the learning environment at TWMS. The CCSD Board members
3 made no mention of the Nov. 20, 2013 bullying report.

4 44. The Las Vegas Review Journal ran an article describing Jason's statements to the CCSD
5 Board of Trustees on February 28, 2014. In response to this story, TWMS guidance counselor
6 Sabreena Adams posted the following to Facebook, "Frustrating we have been working tirelessly
7 to help ALL these students and still get painted as the bad guys. Ps...Kid is NOT still at our
8 school nor was he bullying her." Adams continued, "[School principal] Andi has gone above
9 and beyond...And she is still the monster. We even bought her younger brother Christmas and
10 bday presents at the parents request yet were still the enemy." Upon information and belief,
11 these statements appeared before an audience of more than 500 individuals.

12 45. On March 10, 2014, Jason met with TMWS Dean Kamman, requesting any files related
13 to his daughter, including any disciplinary files. Dean Kamman stated no disciplinary files
14 existed since Hailee was an "exemplary" child.

15 46. Troubled by the lack of information, Jason returned to the school again that same day.
16 The Principal met Jason and gave him Hailee's disciplinary file. The file contained a printout of
17 a computer entry stating "It was reported using the bullying website that Hailee was being
18 bothered in PE [redaction] Deans investigated and handled the incident." The incident date
19 provided is November 21, 2013, and the location is listed as the gym. The disposition
20 description states "conference student."

21 47. Jason and Jennifer were stunned. This was the first time they had been notified of the
22 bullying incident and the online complaint. Jason emailed Principal Katona on March 12,
23 seeking answers, asking "Why is it that in previous meetings with you, you never made any
24 mention of this report?"

25 48. Principal Katona admitted her failure to disclose the report in an email dated March 12,
26 2014.

27 49. Upon information and belief, the March discussions finally prompted CCSD to launch an
28 investigation of the circumstances related to the online complaint and the bullying of Hailee.

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1 TWMS officials interviewed student C.G. on March 17, 2014. TWMS officials interviewed
 2 student C.S. on March 19, 2014. These interview statements, as described previously,
 3 substantiated ongoing and severe acts of bullying, including physical violence, against Hailee.

4 Notably, CCSD's own Policies describe bullying as "a deliberate or intentional behavior
 5 using words or actions intended to cause intimidation or fear." CCSD, P-5137(II)(A). Further,
 6 CCSD's definition specifically includes: physical acts, such as assaults, kicking, or punching;
 7 "indirect acts," such as "spreading cruel rumors, intimidation through gestures, social exclusion,
 8 or sending insulting messages or pictures...;" use of power imbalances, such as physical or
 9 psychological dominance, or verbal threats such as "teasing and name calling," intimidation,
 10 punitive acts aimed at hurting or punishing a targeted individual, or repetitive, systematic acts.
 11 CCSD, P-5137(II)(A)(1)-(6).

12 Increasingly frustrated by the evasiveness of TWMS, Jason Lamberth met with CCSD
 13 Superintendent Pat Skorkowski on March 17, 2014 to discuss his concerns. Superintendent
 14 Skorkowski responded to his numbered questions, in a written letter dated March 25, 2014, with
 15 attachments. On information and belief, one such attachment was authored by Principal Katona,
 16 and provided a false chronology related to Hailee Lamberth.

17 52. In this purported chronology, Principal Katona made egregiously false and malicious
 18 statements defaming Jason and Jennifer Lamberth, outrageously and falsely claiming that Jason
 19 Lamberth abused Hailee.

20 53. On March 31, 2014, Jason Lamberth learned that CCSD had sent its false and defamatory
 21 "chronology" to a third party parent at the school.

22 54. CCSD declares through its bullying policies that the district is "committed to providing a
 23 safe, secure, and respectful learning environment for all students..." CCSD claims that it
 24 "strives to consistently and vigorously address bullying, cyber-bulling, harassment, and
 25 intimidation so that there is no disruption to the learning environment and learning process."
 26 CCSD, P-5137(I). CCSD has fallen far short of this statutorily mandated commitment. Pursuant
 27 to N.R.S. § 388.132 (4)(a), Nevada has established: the "goal of the Legislature is to ensure that:
 28 (a) The public schools in this State provide a safe and respectful learning environment in which

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1 persons of differing beliefs, characteristics and backgrounds can realize their full academic and
2 personal potential.”

3 55. The Lamberths have suffered harm in the form of their grief and sorrow, loss of probable
4 support, companionship, society, and comfort from Hailee, and also seek compensation for
5 Hailee's pain, suffering, disfigurement and death. They are enduring the symptoms of post-
6 traumatic stress disorder, including sleeplessness, among other sufferings.

CLAIM FOR RELIEF I
WRONGFUL DEATH/ NEGLIGENCE
[BY ALL PLAINTIFFS AGAINST CCSD DEFENDANTS]

56. All allegations set forth in this Complaint are hereby incorporated by reference.

57. The standards to establish a negligence claim were set forth by the Nevada Supreme Court in, *Foster v. Costco Wholesale Corp.*, 291 P.3d 150 (2012); *DeBoer v. Sr. Bridges of Sparks Fam. Hosp.*, 282 P.3d 727, 732 (2012); see also, *Scialabba v. Brandise Const. Co.*, 921 P.2d 928, 930 (Nev.1996). [A] plaintiff must demonstrate that (1) the defendant owed the plaintiff a duty of care, (2) the defendant breached that duty, (3) the breach was the legal cause of the plaintiff's injuries, and (4) the plaintiff suffered damages.

58. The Nevada Supreme Court has expressly stated that a special duty exists between teachers and students in *Lee v. GNLV Corp.*, 117 Nev. 291, 22 P.3d 209 (2001).

In Nevada, as under the common law, strangers are generally under no duty to aid those in peril. See *Sims v. General Telephone & Electronics*, 107 Nev. 516, 525, 815 P.2d 151, 157 (1991) (overruled on other grounds in *Tucker v. Action Equipment and Scaffold Co., Inc.*, 113 Nev. 1349, 951 P.2d 1027 (Nev. 1997)). This court, however, has stated that, where a special relationship exists between the parties, such as with an innkeeper-guest, teacher-student or employer-employee, an affirmative duty to aid others in peril is imposed by law. See *Sims*, at 526, 815 P.2d at 157-58 (citing W. Page Keeton et al., *Prosser and Keeton on the Law of Torts*, § 56, at 376).

Lee v. GNLV Corp., 117 Nev. at 296, 22 P.3d at 212. See also, Beckman v. Match.com, No. 2:13-CV-97 JCM NJK, 2013 WL 2355512 at *8 (D.Nev., May 29, 2013).

1 59. In our sister state, the California Supreme Court explained the rationale behind the special
 2 teacher-student relationship, and basis for the duty of schools, school districts and school
 3 personnel to protect students placed in their care.

4 In addition, a school district and its employees have a special relationship with the district's pupils, a relationship arising from the mandatory character of school
 5 attendance and the comprehensive control over students exercised by school
 6 personnel, analogous in many ways to the relationship between parents and their
 7 children . - (Hoff v. Vacaville Unified School Dist. (1998) 19 Cal.4th 925, 935, 80
 8 Cal.Rptr.2d 811, 968 P.2d 522, see M.W. v. Panama Buena Vista Union School
 9 Dist. (2003) 110 Cal.App.4th 508, 517, 1 Cal.Rptr.3d 673; Leger v. Stockton
 10 Unified School Dist., (1988) 202 Cal.App.3d at 1448,1458-1459, 249 Cal.Rptr.
 11 688.) Because of this special relationship, imposing obligations beyond what each
 12 person generally owes others under Civil Code section 1714, the duty of care
 13 owed by school personnel includes the duty to use reasonable measures to protect
 students from foreseeable injury at the hands of third parties acting negligently or
 intentionally.FN3 This principle has been applied in cases of employees' alleged
 negligence resulting in injury to a student by another student (J.H. v. Los Angeles
 Unified School Dist. (2010) 183 Cal.App.4th 123, 128-29, 141-48).....

14 C.A. v. William S. Hart Union High School Dist., 53 Cal.4th 861, 270 P.3d 699 (2012), 53
 15 Cal.4th at 869-870, 270 P. 2d at 704-705.

16 60. The William S. Hart Union High School Dist. Court explained that the special duty to
 17 students at school stated that the duty is in accord with public policy set forth in, Cal. Const., art.
 18 I, § 28, subd. (a)(7) (students have the right to be safe and secure in their persons); and Cal.
 19 Ed.Code, §§ 32228-32228.5, 35294.10-35294.15 (establishing various school safety and
 20 violence prevention programs). 53 Cal.4th at 870, 270 P. 2d at 705. In Nevada, the statutory
 21 parallel appears in NRS Chapter 388. In both Nevada and California, the legislatures have made
 22 a clear and unmistakable statement that school districts have an unequivocal responsibility to
 23 protect the students placed in their care, particularly when they have been made aware of a
 24 specific danger to specific students.

25 61. Defendants breached their duty to Hailee: by failing to notify her parents of the
 26 reported bullying, and thereby depriving them of the opportunity to intervene and access
 27 counseling services; by failing to provide her with a safe and respectful learning environment; by
 28

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1 failing to investigate the bullying she endured, and by failing to address the harassment and
2 pervasive bullying Hailee faced at Thurman White Middle School.

3 62. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
4 Hailee experienced pain and suffering, including physical, psychological and emotional injury,
5 including her own death.

6 63. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
7 Jason and Jennifer Lamberth also suffered immediate and irreparable injury, including physical,
8 psychological and emotional injury, by losing the opportunity to speak with their daughter about
9 the reported allegations of bullying and to attempt to intervene prior to her death.

10 64. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
11 Jason, Jennifer and Jacob Lamberth suffered immediate and irreparable injury, including
12 physical, psychological and emotional injury, and the loss of companionship of their daughter
13 and sister.

CLAIM FOR RELIEF II
**WRONGFUL DEATH/ NEGLIGENCE PER SE:
VIOLATIONS OF N.R.S. AND CCSD POLICIES
[BY ALL PLAINTIFFS AGAINST CCSD DEFENDANTS]**

65. All allegations set forth in this Complaint are hereby incorporated by reference.

19 66. In *Barnes v. Delta Lines*, 669 P.2d 709, 710 (1983), the Nevada Supreme Court held that
20 "when a defendant violates a statute which was designed to protect a class of persons to which
21 the plaintiff belongs, and thereby proximately causes injury to the plaintiff, such a violation
22 constitutes negligence per se." Thus, negligence per se is a method of establishing the duty and
breach elements of a negligence claim. *Cervantes*, 263 P3d at 264, n 4.

24 67. Defendant's failure to ensure the safety of Hailee violated statutes designed to protect the
25 class of individuals to which Hailee belongs, namely students in the public school system. See
26 N.R.S. Chapters 388 & 392 Pupils, et seq. The failure of CCSD Defendants to provide
27 appropriate notification to Hailee's parents amounts to negligence per se. N.R.S. § 388.1351(2)
mandates that: "The principal or his or her designee shall initiate an investigation not later than

1 1 day after receiving notice of the violation pursuant to subsection 1. The principal or the
2 designee shall provide written notice of a reported violation of NRS 388.135 to the parent or
3 legal guardian of each pupil involved in the reported violation." (Emphasis added). The law
4 further demands that the "notice must include, without limitation, a statement that the principal
5 or the designee will be conducting an investigation into the reported violation and that the parent
6 or legal guardian may discuss with the principal or the designee any counseling or intervention
7 services that are available to the pupil."

8 68. The Lamberths were precisely the type of parties NRS § 388.135 was designed to protect.
9 As the parents of a bullied student, they were entitled to information regarding the reported
10 incidents.

11 69. The failure of the CCSD Defendants to abide by the notification mandates deprived the
12 Lamberths of the opportunity to intervene. It further deprived them of the opportunity to access
13 counseling or intervention services in coordination with the principal.

14 70. Thus, CCSD Defendants' failure to implement appropriate disciplinary and safety
15 strategies to protect Hailee, as required by school and district policies, and regulations, and
16 Nevada state law, amounts to negligence per se.

17 71. As a fundamental matter, the legislature has declared, "[a] learning environment that is
18 safe and respectful is essential for the pupils enrolled in the public schools in this State to
19 achieve academic success and meet this State's high academic standards." N.R.S. § 388.132(1).
20 Further, it codified its goals of maintaining "public schools [that] provide a safe and respectful
21 learning environment in which persons of differing beliefs, characteristics and backgrounds can
22 realize their full academic and personal potential; and that "[a]ll administrators, principals,
23 teachers and other personnel of the school districts and public schools [...] demonstrate
24 appropriate behavior on the premises of any public school by treating other persons, including,
25 without limitation, pupils, with civility and respect and by refusing to tolerate bullying..." N.R.S.
26 § 388.132(4)(a),(b) [emphasis added].

27

28

1 72. The failure of the CCSD Defendants to provide a safe and respectful learning
2 environment for all students constitutes a violation of their statutory duties. Further, their
3 inaction resulted in a school setting that more than tolerated bullying.

4 73. CCSD Defendants failed to train and/or require the training of CCSD personnel, failed to
5 review associated policies, failed to enforce statutory and school district policies related to
6 securing a safe and respectful learning environment, or take other actions that could have
7 avoided the injuries to Hailee.

8 74. The injuries suffered by Hailee and her family are of the very type the NRS Chapter 388
9 and NRS 392 provisions were designed to prevent. See Vega v. Eastern Courtyard Associates,
10 24 P.3d 219, 221 (2001).

11 75. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
12 Hailee experienced pain and suffering, including physical, psychological and emotional injury.

13 76. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
14 Jason, Jennifer and Jacob suffered immediate and irreparable injury, including physical,
15 psychological and emotional injuries.

16 77. As a proximate result of CCSD Defendants' negligence, practices, acts and omissions,
17 Jason and Jennifer Lamberth also suffered immediate and irreparable injury, including physical,
18 psychological and emotional injury, by losing the opportunity to speak with their daughter about
19 the reported allegations of bullying and to attempt to intervene prior to her death.

20 CLAIM FOR RELIEF III
21 NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS
22 IMMEDIATE FAMILY BYSTANDER
23 [BY JASON AND JACOB LAMBERTH]

24 78. All allegations set forth in this Complaint are hereby incorporated by reference.

25 79. "Immediate family members qualify for [bystander] standing to bring NIED claims as a
26 matter of law." Grotts v. Zahner 115. Nev. 339, 341, 989 P.2d 415,416 (1999).

27 80. Jason and Jacob Lamberth were bystanders in that they discovered Hailee's body after
28 her death.

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81. As a proximate result of CCSD Defendants' behavior, Jason and Jacob Lamberth suffered emotional distress as immediate family bystanders, upon finding Hailee's body.

CLAIM FOR RELIEF IV
SURVIVAL ACTION
VIOLATIONS OF UNITED STATES CONSTITUTION:
SUBSTANTIVE DUE PROCESS

[BY JASON AND JENNIFER LAMBERTH, IN THEIR CAPACITY AS THE
REPRESENTATIVES OF THE ESTATE OF HAILEE JOY LAMBERTH, AGAINST
PAT SKORKOWSKY, ERIN A. CRANOR, LINDA E. YOUNG, PATRICE TEW,
STA VAN CORBETT, CAROLYN EDWARDS, CHRIS GARVEY, DEANNA WRIGHT,
ANDREA KATONA, DEAN RON KAMMAN, DEAN BARR, KIM JEFFERSON AND
ANDRE LONG]

82. All allegations set forth in this Complaint are hereby incorporated by reference.

83. Nevada law authorizes survival claims brought by an estate representative.

84. As set forth herein, Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long, as state actors acting under color of state law, violated decedent Hailee Joy Lamberth's substantive due process rights as provided for under the Fifth and Fourteenth Amendments to the U.S. Constitution. Each of these defendant state actors engaged in affirmative conduct that placed decedent Hailee Joy Lamberth in a known and obvious danger by ignoring Clark County School District policies and Nevada law related to bullying at public schools and failing to report bullying of decedent Hailee Joy Lamberth or to protect her from such bullying while she was a student at Thurman White Middle School.

85. As result of Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long's violation of decedent's substantive due process rights, decedent Hailee Joy Lamberth suffered great emotional distress and pain and suffering before her death.

86. Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman,

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1 Dean Barr, Kim Jefferson and Andre Long's violation of decedent's substantive due process
2 rights was the immediate legal and proximate cause of Hailee Joy Lamberth's death.

3 87. In their estate representative capacity and pursuant to 42 USC §1983, Plaintiffs Jason and
4 Jennifer Lamberth claim damages for the emotional distress and pain and suffering experienced
5 by their deceased daughter Hailee Joy Lamberth caused by Defendants Pat Skorkowsky, Erin A.
6 Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna
7 Wright, Andrea Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long's
8 unlawful actions as described herein. Plaintiffs Jason and Jennifer Lamberth, in their
9 representative capacities, also claims damages for the funeral expenses incurred as a result of the
10 wrongful death of his deceased daughter caused by Pat Skorkowsky, Erin A. Cranor, Linda E.
11 Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea
12 Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long's unlawful actions as
13 described herein. In addition, Plaintiff Jason and Jetnifer Lamberth, in their representation
14 capacity, seek attorney's fees pursuant to 42 USC § 1988 and punitive damages against
15 Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett,
16 Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman, Dean
17 Barr, Kim Jefferson and Andre Long as a result of their violation of his deceased daughter's
18 substantive due process rights.

CLAIM FOR RELIEF V
MONELL CLAIM SURVIVAL ACTION
VIOLATIONS OF UNITED STATES CONSTITUTION:
SUBSTANTIVE DUE PROCESS

42 USC § 1983
BY JASON AND JENNIFER LAMBERTH, IN THEIR CAPACITY AS THE
REPRESENTATIVES OF THE ESTATE OF HAILEE JOY LAMBERTH AGAINST
[CCSD]

24 88. All allegations set forth in this Complaint are hereby incorporated by reference.
25 89. Nevada law authorizes survival claims brought by an estate representative.
26 90. As set forth herein, Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice
27 Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean

1 Ron Kamman, Dean Barr, Kim Jefferson and Andre Long, state actors and employees of
2 Defendant Clark County School District, acting under color of state law violated decedent Hailee
3 Joy Lamberth's substantive due process rights provided for under the Fifth and Fourteenth
4 Amendments to the U.S. Constitution. Each of these defendant state actors and employees of
5 Defendant Clark County School District engaged in affirmative conduct that placed decedent
6 Hailee Joy Lamberth in a known and obvious danger by ignoring Clark County School District
7 policies and Nevada law related to harassment at public schools and failing to report bullying of
8 decedent Hailee Joy Lamberth or to protect her from such bullying while she was a student at
9 Thurman White Middle School. As result of these individual Defendants' violation of decedent's
10 rights, decedent Hailee Joy Lamberth suffered great emotional distress and pain and suffering
11 before her death. Further, these individual defendants' violations of decedent's substantive due
12 process rights were the immediate legal cause of Hailee Joy Lamberth's death

13 91. Plaintiffs Jason and Jennifer Lamberth, in their capacity as the representatives of the
14 Estate of Hailee Joy Lamberth, hereby allege that unconstitutional actions by Defendants Pat
15 Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards,
16 Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson
17 and Andre Long, state actors and employees of Defendant Clark County School District, which
18 violated decedent's constitutional rights as alleged herein were caused by: (a) inadequate and
19 arbitrary training, supervision, and discipline of these individual defendants by their employer
20 Defendant Clark County School District; (b) the deliberate indifference by Defendant Clark
21 County School District of these individual defendants' unconstitutional conduct as alleged
22 herein; and (c) the customs and de facto policies of Defendant Clark County School District of
23 ignoring its own policies and Nevada law related to harassment at public schools and failing to
24 report bullying of students and to protect students from such bullying. Plaintiffs Jason and
25 Jennifer Lamberth, in their capacity as the representatives of the Estate of Hailee Joy Lamberth,
26 further allege that the unconstitutional actions of these individual defendants were ratified by Pat
27 Skorkowsky, acting in his official capacity as superintendent and final decision maker of
28 Defendant Clark County School District. Defendant Clark County School District's conduct

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1 alleged herein constitutes deliberate indifference on its part of its obligation to preserve and
2 protect the constitutional rights of students attending public school within Clark County School
3 District and of their families. Plaintiffs Jason and Jennifer Lamberth, in their capacity as the
4 representatives of the Estate of Hailee Joy Lamberth, further allege that Defendant Clark County
5 School District knew or should have known that its acts and omissions as alleged herein were
6 likely to result in the violation of the substantive due process rights of students such as decedent
7 Hailee Joy Lamberth.

8 92. Plaintiffs Jason and Jennifer Lamberth, in their capacity as the representatives of the
9 Estate of Hailee Joy Lamberth, hereby allege that the actions and omissions of Clark County
10 School District as alleged herein were a legal and proximate cause of the violation of decedent
11 Hailee Joy Lamberth's substantive due process rights and caused the decedent's death and great
12 emotional distress prior to her death.

13 93. In their estate representative capacity and pursuant to 42 USC §1983, Plaintiffs Jason
14 and Jennifer Lamberth claim damages from Defendant Clark County School District for the
15 emotional distress and pain and suffering experienced by their deceased daughter Hailee Joy
16 Lamberth caused by Defendant Clark County School District unconstitutional act and omissions
17 as alleged herein. Plaintiffs Jason and Jennifer Lamberth, in their representative capacity, also
18 claim damages from Defendant Clark County School District for the funeral expenses incurred
19 as a result of the wrongful death of their deceased daughter caused by the acts and omission of
20 Defendant Clark County School District. In addition, Plaintiffs Jason and Jennifer Lamberth, in
21 their representation capacity, seek attorney's fees from Defendant Clark County School District
22 pursuant to 42 USC § 1988 for the unconstitutional acts and omissions alleged herein.

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1 **CLAIM FOR RELIEF VI**2 **WRONGFUL DEATH**3 **VIOLATIONS OF UNITED STATES CONSTITUTION:**4 **EXPRESSIVE ASSOCIATION**5 **LIBERTY INTEREST IN FAMILIAL COMPANIONSHIP**6 **42 USC § 1983**

7 **[BY JASON AND JENNIFER LAMBERTH, IN THEIR INDIVIDUAL CAPACITIES,**
 8 **and JACOB LAMBERTH AGAINST PAT SKORKOWSKY, ERIN A. CRANOR,**
 9 **LINDA E. YOUNG, PATRICE TEW, STAVAN CORBETT, CAROLYN EDWARDS,**
 10 **CHRIS GARVEY, DEANNA WRIGHT, ANDREA KATONA, DEAN RON**
KAMMAN, DEAN BARR, KIM JEFFERSON AND ANDRE LONG]]

11 94. Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth, the immediate family
 12 of decedent Hailee Joy Lamberth, hereby re-allege and incorporate by reference all of the
 13 allegations set forth in this complaint.

14 95. As set forth herein, Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice
 15 Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean
 16 Ron Kamman, Dean Barr, Kim Jefferson and Andre Long, as state actors acting under color of
 17 state law, violated decedent Hailee Joy Lamberth's substantive due process rights provided for
 18 under the Fifth and Fourteenth Amendments to the U.S. Constitution. Each of these defendant
 19 state actors engaged in affirmative conduct that placed decedent Hailee Joy Lamberth in a known
 20 and obvious danger by ignoring Clark County School District policies and Nevada law related to
 21 harassment at public schools and failing to report bullying of decedent Hailee Joy Lamberth or
 22 to protect her from such bullying while she was a student at Thurman White Middle School.

23 96. Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew, Stavan
 24 Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron Kamman,
 25 Dean Barr, Kim Jefferson and Andre Long's violation of decedent's substantive due process
 26 rights were the immediate legal and proximate cause of Hailee Joy Lamberth's death. These
 27 individual defendants' unconstitutional actions leading to the death of Hailee Joy Lamberth
 28 violated the First and Fourteenth Amendments rights under United States Constitution of
 Plaintiff Jason Lamberth, father of decedent Hailee Joy Lamberth, Plaintiff Jennifer Lamberth,
 mother of decedent Hailee Joy Lamberth, and Jacob Lamberth, brother of Hailee Joy Lamberth.
 These individual defendants' unconstitutional actions, which legally caused the death of Hailee

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1 Joy Lamberth, violated Plaintiff Jason Lamberth, father of decedent Hailee Joy Lamberth,
 2 Plaintiff Jennifer Lamberth, mother of decedent Hailee Joy Lamberth, and Jacob Lamberth's,
 3 brother of Hailee Joy Lamberth, their rights under United States Constitution by depriving
 4 Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth of their First Amendment
 5 right of expressive association with decedent Hailee Joy Lamberth and their Fourteenth
 6 Amendment liberty interest in decedent Hailee Joy Lamberth's companionship. These individual
 7 defendants' unconstitutional actions as alleged herein were done knowing the harm it would
 8 cause Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth.

9 97. Plaintiff Jason Lamberth, father of decedent Hailee Joy Lamberth, Plaintiff Jennifer
 10 Lamberth, mother of decedent Hailee Joy Lamberth, and Jacob Lamberth's, brother of Hailee
 11 Joy Lamberth, claim special and general damages for the wrongful death of decedent Hailee Joy
 12 Lamberth caused by Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young, Patrice Tew,
 13 Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona, Dean Ron
 14 Kamman, Dean Barr, Kim Jefferson and Andre Long's unlawful actions as described herein. In
 15 addition, Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth seek attorney's fees
 16 pursuant to 42 USC § 1988 and punitive damages against Defendants Pat Skorkowsky, Erin A.
 17 Cranor, Linda E. Young, Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna
 18 Wright, Andrea Katona, Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long as a
 19 result of their violation of their First and Fourteenth Amendment rights.

20 **CLAIM FOR RELIEF VII**

21 **MONELL CLAIM FOR WRONGFUL DEATH**
VIOLATIONS OF UNITED STATES CONSTITUTION:
EXPRESSIVE ASSOCIATION
LIBERTY INTEREST IN FAMILIAL COMPANIONSHIP

22 **42 USC § 1983**

23 **[BY JASON AND JENNIFER LAMBERTH IN THEIR INDIVIDUAL CAPACITIES and**
JACOB LAMBERTH AGAINST CCSD]

24 98. All allegations set forth in this Complaint are hereby incorporated by reference.

25 99. As set forth herein, Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young,
 26 Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona,
 27
 28

1 Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long, state actors and employees of
2 Defendant Clark County School District, acting under color of state law, violated decedent
3 Hailee Joy Lamberth's substantive due process rights provided for under the Fifth and
4 Fourteenth Amendments to the U.S. Constitution. Each of these defendant state actors and
5 employees of Defendant Clark County School District engaged in affirmative conduct that
6 placed decedent Hailee Joy Lamberth in a known and obvious danger by ignoring Clark County
7 School District policies and Nevada law related to harassment at public schools, and by failing to
8 report bullying of decedent Hailee Joy Lamberth or to protect her from such bullying while she
9 was a student at Thurman White Middle School. These individual defendants' violations of the
10 decedent's substantive due process rights were the immediate legal and proximate cause of
11 Hailee Joy Lamberth's death. Such unconstitutional actions violated the rights of Plaintiff Jason
12 Lamberth, father of decedent Hailee Joy Lamberth, Plaintiff Jennifer Lamberth, mother of
13 decedent Hailee Joy Lamberth, and Jacob Lamberth's, brother of Hailee Joy Lamberth, under
14 United States Constitution by depriving them of their First Amendment right of expressive
15 association with decedent Hailee Joy Lamberth, and their Fourteenth Amendment liberty interest
16 in decedent Hailee Joy Lamberth's companionship. These individual defendants'
17 unconstitutional actions as alleged herein were done knowing the harm it would cause Plaintiffs
18 Jason Lamberth, Jennifer Lamberth and Jacob Lamberth.

19 100. Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth hereby allege that
20 unconstitutional actions by Defendants Pat Skorkowsky, Erin A. Cranor, Linda E. Young,
21 Patrice Tew, Stavan Corbett, Carolyn Edwards, Chris Garvey, Deanna Wright, Andrea Katona,
22 Dean Ron Kamman, Dean Barr, Kim Jefferson and Andre Long, state actors and employees of
23 Defendant Clark County School District, which led to the death of decedent Hailee Joy Lamberth
24 were caused by: (a) inadequate and arbitrary training, supervision, and discipline of these
25 individual defendants by their employer Defendant Clark County School District; (b) the
26 deliberate indifference by Defendant Clark County School District of these individual
27 defendants' unconstitutional conduct as alleged herein; and (c) the customs and de facto policies
28 of Defendant Clark County School District of ignoring its own policies and Nevada law related

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1 to harassment at public schools and failing to report bullying of students and to protect students
2 from such bullying. Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth further
3 allege that the unconstitutional actions of these individual defendants were ratified by Pat
4 Skorkowsky, acting in his official capacity as superintendent and final decision maker of
5 Defendant Clark County School District. Defendant Clark County School District's conduct
6 alleged herein constitutes deliberate indifference on its part of its obligation to preserve and
7 protect the constitutional rights of students attending public school within Clark County School
8 District and of their families. Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth
9 further allege that Defendant Clark County School District knew or should have known that its
10 acts and omissions as alleged herein were likely to result in the violation of the First and
11 Fourteenth Amendment rights of persons such as Plaintiffs Jason Lamberth, Jennifer Lamberth
12 and Jacob Lamberth.

13 101. Plaintiff Jason Lamberth, father of decedent Hailee Joy Lamberth, Plaintiff Jennifer
14 Lamberth, mother of decedent Hailee Joy Lamberth, and Jacob Lamberth, brother of Hailee Joy
15 Lamberth, hereby allege that the actions and omissions of Clark County School District as
16 alleged herein were a legal cause of decedent Hailee Joy Lamberth's death and violated their
17 First Amendment right of expressive association with decedent Hailee Joy Lamberth and their
18 Fourteenth Amendment liberty interest in decedent Hailee Joy Lamberth's companionship.
19 Plaintiffs Jason Lamberth, Jennifer Lamberth and Jacob Lamberth claim special and general
20 damages from Defendant Clark County School District for the wrongful death of decedent
21 Hailee Joy Lamberth as alleged herein. In addition, Plaintiffs Jason Lamberth, Jennifer
22 Lamberth and Jacob Lamberth seek attorney's fees pursuant to 42 USC § 1988 from Defendant
23 Clark County School District as a result of its violation of their First and Fourteenth Amendment
24 rights as alleged herein.

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CLAIM FOR RELIEF VIII

DEFAMATION

[BY JASON LAMBERTH AND JENNIFER LAMBERTH, IN THEIR INDIVIDUAL CAPACITIES, AGAINST CCSD DEFENDANTS]

102. All allegations set forth in this Complaint are hereby incorporated by reference.

103. Defendant Katona made a false and defamatory statement in her chronology as against Jason Lamberth by stating "that fact that Hailee's Dad beat her." CCSD deliberately circulated this statement to a third party, another parent in the school district.

104. Presented as a fact, such charges would tend to lower Jason's and Jennifer's reputation in the estimation of the community and to excite derogatory opinions against him and hold him up to contempt. See *PETA v. Bobby Berosini Ltd.*, 111 Nev. 615, 626, 895 P.2d 1269, 1276 (1995).

105. As noted by the Restatement (Second) of Torts, § 558, the elements of defamation include: (i) false and defamatory statement concerning another, (ii) an unprivileged publication to a third party, (iii) fault amounting to at least negligence on the part of the publisher, and (iv) actionability of the statement. See also PETA, *supra*.

106. The words used in the chronology implied specific facts, which are actionable. See Riggs v. CCSD, 19 F. Supp. 1177, 1181 (1998).

CLAIM FOR RELIEF IX

NEGLIGENT INFILCTION OF EMOTIONAL DISTRESS

[BY JASON AND JENNIFER LAMBERTH IN THEIR INDIVIDUAL CAPACITIES and
JACOB LAMBERTH AGAINST SABREENA ADAMS]

107. All allegations set forth in this Complaint are hereby incorporated by reference.

108. The facebook posting by Sabreena Adams stating "she is still the monster," which could be read to refer to Hailee, created serious distress for Jason, Jennifer and Jacob Lamberth.

109. The elements of a Negligent Infliction of Emotional Distress claim include: (i) the defendant breached a duty owed to the plaintiff; (ii) which resulted in either a physical impact, or, in the absence of a physical impact "serious emotional distress causing physical injury or illness." *Barmettler v. Reno Air Inc.*, 114 Nev. 441, 448, 956 P.2d 1382, 1387 (1998).

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1 110. CCSD Policy R-5125.1 provides that all school records of students are confidential, and
2 any information related to the student, except for directory information (such as name, etc)
3 should not be disclosed without the written consent of the parent or eligible student. The Family
4 Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, also protects the privacy of
5 student information.

6 111. School Guidance Counselor Adams owed a duty to maintain the confidentiality of
7 information related to Hailee.

8 112. Adam's public disclosure of private information related to Hailee and her family
9 breached this duty, and resulted in serious emotional distress causing physical illness to Jason,
10 Jennifer and Jacob.

113. All allegations set forth in this Complaint are hereby incorporated by reference.

16 114. Adam gave unreasonable publicity to private facts, through the following: Facebook
17 statement related to Hailee "she is still the monster;" Facebook statements related to an ongoing
18 bullying investigation, "Ps...Kid is NOT still at our school nor was he bullying her;"
19 Facebook statement "We even bought her younger brother Christmas and bday presents at the
20 parents request yet were still the enemy." Upon information and belief, these statements
21 appeared before an audience of over 500 individuals.

²² 115. According to the Restatement (Second) of Torts, § 652D, the elements of this claim
²³ include: (i) a private life matter, (ii) publicity is given to the private life, (iii) the publicity is
²⁴ highly offensive and of no legitimate concern to the public. See also, *State v. Eighth Judicial*
²⁵ *Dist. Court ex Rel County of Clark*, 118 Nev. 140, 150 (2002).

116. As the school guidance counselor charged with a specific responsibility to Hailee,
Adams had access to information related to private life matters of Hailee. Adam's facebook
postings gave publicity to these matters. Given Hailee's suicide, the posting is highly offensive

1 and the status of the bully identified in Hailee's suicide note is of no legitimate concern to the
 2 public.

3 117. Adam's public disclosure of private information related to Hailee and her family
 4 breached this duty, and resulted in serious emotional distress causing physical illness to Jason,
 5 Jennifer and Jacob.

CLAIM FOR RELIEF XI
FALSE LIGHT INVASION OF PRIVACY

[BY JASON LAMBERTH AND JENNIFER LAMBERTH IN THEIR INDIVIDUAL
 CAPACITIES and JACOB LAMBERTH AGAINST SABREENA ADAMS]

9 118. All allegations set forth in this Complaint are hereby incorporated by reference.

10 119. Defendant Katona made a false and derogatory statement in her chronology as against
 11 Jason Lamberth by stating "that fact that Hailee's Dad beat her."

12 120. CCSD deliberately circulated this statement to a third party, another parent in the school
 13 district.

14 121. As noted by the Restatement (Second) of Torts, § 652(c), an action for the tort of false
 15 light invasion of privacy arises when: [o]ne who gives publicity to a matter concerning another
 16 that places the other before the public in a false light ... if:

17 (a) the false light in which the other was placed would be highly offensive to a reasonable
 18 person, and

19 (b) the actor had knowledge of or acted in reckless disregard as to the falsity of the
 20 publicized matter and the false light in which the other would be placed.

21 See, Franchise Tax Board of Cal. V. Hyatt, ___P.3d___, No. 53264, 2014 WL 4656423 at *12-
 22 13 (Sept. 18, 2014)

23 122. The chronology stated specific false allegations of facts, concerning Plaintiff Jason
 24 Lamberth, which placed him in a false light which would be highly offensive to a reasonable
 25 person.

26 123. Defendant Katona had knowledge of or acted in reckless disregard as to the falsity of
 27 the publicized matter and the false light in which Plaintiff Jason Lamberth would be placed.

28 124. The disclosures resulted in mental distress for the Lamberths.

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PRAYER FOR RELIEF

Wherefore Plaintiffs respectfully requests this Court:

1. For declaratory judgment that Defendants' policies, practices and conduct as alleged herein were/are in violation of Plaintiffs' rights under the United States Constitution, and Nevada law;
2. For damages in an amount according to proof;
3. Punitive damages;
4. For attorneys' fees as provided by law;
5. For costs of suit;
6. For injunctive relief; and
7. For such other and further relief as the Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiffs hereby demand that this matter be tried by a jury, pursuant the Seventh Amendment of the Constitution of the United States, as to all claims for damages.

Dated this 21st day of October 2014

Respectfully submitted by:

/s/ Allen Lichtenstein
Allen Lichtenstein, Esq.
Nevada Bar No. 3992
Staci Pratt, Esq.
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Tel: 415-426-3502
Attorneys for the Plaintiffs

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VERIFICATION OF COMPLAINT

2 Jason Lamberth, pursuant to N.R.S. § 53.045, hereby makes the following declaration:
3
4 (1) I am a Plaintiff in the above titled action; (2) I have read the foregoing Complaint and know
5 the contents thereof; and (3) the same is true of my own knowledge except for those matters
6 therein stated on information and belief, (4) I declare under penalty of perjury that the foregoing
is true and correct.

Dated this 21st day of October 2014.

9
10 Jason W. Lamberth
11 Jason Lamberth

Jennifer Lamberth, pursuant to N.R.S. § 53.045, hereby makes the following declaration: (1) I am a Plaintiff in the above titled action; (2) I have read the foregoing Complaint and know the contents thereof; and (3) the same is true of my own knowledge except for those matters therein stated on information and belief, (4) I declare under penalty of perjury that the foregoing is true and correct.

Dated this 21st day of October 2014.

20
21 
22 Jennifer Lamberth